

Posted – October 10, 2012

REGULAR MEETING OCTOBER 15, 2012

TOWN COUNCIL OF THE TOWN OF MIDDLETOWN, RHODE ISLAND

The following items of business, having been filed with the Town Clerk under the Rules of the Council, will come before the Council at a regular meeting to be held on Monday, October 15, 2012 at 7:00 P.M. (EXECUTIVE SESSION 6:00 PM) at the Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island.

Any person not a member of the Council, desiring to address the Council concerning a matter on the docket of the Council, not the subject of a Public Hearing, shall submit a written request to the Town Clerk stating the matter upon which he desires to speak. Persons are permitted to address the Council for a period not to exceed five (5) minutes.

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to

reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

EXECUTIVE SESSION – 6:00 PM

1. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Lease (Crown Castle Cell Tower) and (2) Potential Litigation.

PUBLIC FORUM SESSION

2. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

ACTING AS A BOARD OF LICENSE COMMISSION

3. (Public Hearing Advertised)

Application of KJ's Pub, Inc. dba KJ's Pub holder of a Class BV Alcoholic Beverage License, to change its current name to KJ's Pub, LLC dba KJ's Pub on its Retailer's Alcoholic Beverage License for premises located at 61 Aquidneck Avenue, Middletown, Rhode Island.

4. Application of KJ's Pub, LLC dba KJ's Pub, 61 Aquidneck Avenue for RENEWAL of its Alcoholic Beverage License for the 2012-2013 licensing year. (Requires Advertising for Public Hearing)

5. Communication of Attorney Stephen H. Burke, representing Friends of Easton's Point, Inc., with enclosure, re: Clambake Club of Newport Application for 2013 Renewal of Class D Alcoholic Beverage

License.

6. (Public Hearing Advertised)

Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2012-2013 licensing year. (See attached list)

CONSENT

7. Approval of Minutes, re: Regular Meeting, October 1, 2012.

8. Continued from Regular Meeting, September 17, 2012

Continued from Regular Meeting, September 7, 2012.

Memorandum of Town Administrator, with enclosures, re: Consulting – Kempenaar Valley. (Administration requests item be withdrawn)

9. Continued from Regular Meeting, September 17, 2012.

Continued from Regular Meeting, September 7, 2012.

Resolution of the Council, re: Consulting – Kempenaar Valley. (Administration requests item be withdrawn)

10. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Budget Adjustments as of June 30, 2012.

11. Resolution of the Council, re: FY2012 Budget Adjustments as of June 30, 2012– General Fund.

- 12. Resolution of the Council, re: FY2012 Budget Adjustments as of June 30, 2012- Parks and Recreation Fund Budget.**
- 13. Resolution of the Council, re: FY2012 Budget Adjustments as of June 30, 2012 – Sewer Fund.**
- 14. Resolution of the Council, re: FY2012 Budget Adjustments as of June 30, 2012 – Refuse & Recycling Fund.**
- 15. Memorandum of Accounting Manager, thru Finance Director, re: Tax Collector's report for the period ending September 30, 2012.**
- 16. Communication of Tax Assessor, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.**
- 17. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.**
- 18. Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, for the 2012-2013 licensing year. (See attached list)**
- 19. Application of Marylous News, Inc. dba Marylous Coffee, 207 East Main Road, for RENEWAL of Additional Hours of Operation License for the 2012-2013 licensing year. (Requires Advertising for Public Hearing)**

LICENSES

20. Application of Peter Calcagni dba Manafont Brothers, Cumberland, Rhode Island for a Drain Layer's License for the 2012-2013 licensing year. (NEW)

21. Application of Hannah Reed dba Slim Possible, 717 Aquidneck Avenue, for a Victualling House License for the 2011-2012 licensing year. (NEW)

PUBLIC HEARING

22. (Public Hearing Advertised)

Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, Additional Hours of Operation, for the 2012-2013 licensing year. (See attached list)

TOWN ADMINISTRATOR COMMUNICATION

23. Memorandum of Finance Director, thru Town Administrator, with enclosure, re: Services – Establishment of Town Defined

Contribution (DC) Plan – BUCK Consultants.

24. Resolution of the Council, re: Approving Agreement – Set up of Town Defined Contribution (DC) Plan - BUCK Consultants.

25. Memorandum of Town Administrator, with enclosure, re: Request from Forest Avenue School PTG for Playground Equipment.

APPOINTMENTS TO BOARDS & COMMITTEES

26. Appointment of two (2) members to the Middletown Library Board of Trustees for terms expiring September 2015.

27. Appointment of two (2) members to the Open Space and Fields Committee for terms expiring November 2015.

28. Appointment of one (1) member to the Middletown Personnel Board for a term expiring December 2015.

Wendy J.W. Marshall, CMC

Town Clerk

This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing impaired should notify the Town Clerk's Office not less than 48 hours before this meeting.

ADDENDUM TO TOWN COUNCIL AGENDA

POSTED – October 11, 2012

REGULAR MEETING – OCTOBER 15, 2012

TOWN ADMINISTRATOR COMMUNICATION

29. Memorandum of Town Administrator, re: Appointment of Substitute Town Solicitor for Zoning Board Petitions.

Wendy J.W. Marshall, CMC
Town Clerk

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